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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,343	05/20/2002	Takao Yoshimine	275752US6PCT	8796

22850 7590 07/31/2008

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EXAMINER
CHEA, PHILIP J

ART UNIT	PAPER NUMBER
2153	

NOTIFICATION DATE	DELIVERY MODE
07/31/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/019,343	YOSHIMINE, TAKAO	
	Examiner	Art Unit	
	PHILIP J. CHEA	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to an Amendment filed May 5, 2008. Claims 8-16 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 8,9,13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bandaru et al. (US 6,535,228), herein referred to as Bandaru, and further in view of Kamara ("JavuNetwork: Remote Video Production and Storage"), further in view of Newman et al. (US 6,154,600), herein referred to as Newman.

As per claims 8,13,14, Bandaru discloses a data-providing apparatus attached to a plurality of user apparatuses over a network, said data-providing apparatus comprising:

a receiving unit configured to receive content data transmitted from the plurality of said user apparatus (see column 3, lines 21-35);

a user contents control unit configured to control recording of the content data received by the receiving unit into a recording area corresponding to each user apparatus with a user ID indicating each user who offers the content data to be shared and a shared data flag in a database (see column 17, lines 10-26). In considering a user ID indicating each user who offers the data to be shared, Bandaru does not expressly disclose a "user ID". However, Bandaru does show that a user profile with a unique account is used to organize the shared contents and a share list is unique to a user (see column 16, lines 1-13 and column 15, lines 37-57). The shared contents control unit would obviously be modified by Bandaru to include the shared data "flag" in order to distinguish objects from shared and unshared;

a shared contents control unit configured to control the recorded contents (see Fig. 16, where objects may be selected for sharing); and

a data-supplying unit configured to supply content data set to be shared to the plurality of user apparatuses in response to a demand made by the plurality of user apparatuses (see column 17, lines 20-28),

wherein the shared data flag indicates whether the user contents is set to be shared or not, and wherein the shared data flag is set in the database based on property data edited by the user when the user transmits the content data (see column 16, line 61 – column 17, line 6, where a user may wish to share an object once it is transmitted to the DMF and column 3, lines 21-35 showing a user transmitting content data to the DMF).

Although the system disclosed by Bandaru shows substantial features of the claimed invention (discussed above), it fails to disclose an editing unit configured to edit the content data in response to a demand by the plurality of user apparatuses.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Bandaru, as evidenced by Kamara.

In an analogous art, Kamara discloses a remote video production and storage system that lets users and edit video, audio and images over the internet (see column 1, lines 23-31 and column 5, lines 4-18, describing how a user can edit content they have uploaded by using a web browser).

Given the teaching of Kamara, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bandaru by employing an editing unit, such as disclosed by Kamara, in order to provide editing tools for users who do not have the processing power at home to do video editing.

Although the system disclosed by Bandaru-Kamara shows substantial features of the claimed invention (discussed above), it fails to disclose editing the contents data by allocating the contents data to predetermined scenes composing a scenario.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Bandaru-Kamara, as evidenced by Newman.

In an analogous art, Newman discloses an editing system for home audio and video applications including capabilities for manipulating a video stream to record, playback and add special effects (see Abstract). Newman further discloses allocating contents data to predetermined scenes composing a scenario (see column 4, lines 32-42, *showing content data i.e. video portion of hypermedia input, allocated to predetermined scenes composing a scenario i.e. plurality of video frames representing a video portion*).

Given the teaching of Newman, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bandaru-Kamara by employing a scene editing feature, such as disclosed by Newman, in order to add special effects or touch up video frame by frame.

As per claim 9, Bandaru further discloses a thumbnail-generating means for generating a thumbnail corresponding to data received by a receiving unit and thumbnail transmitting means for transmitting the thumbnail to a second data-processing apparatus (see Bandaru Fig. 13).

As per claim 15, Kamara further discloses a temporary edition space configured to store the content data for editing (see column 5, lines 4-6).

As per claim 16, Kamara further discloses that the content data includes special-effect data and the editing unit edits the content data at high speed (see column 4, lines 1-6 and column 2, lines 30-37).

3. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bandaru-Kamara-Newman as applied to claim 8 above, and further in view of Neel et al. (US 5,838,314).

As per claim 10, although the system disclosed by Bandaru in view of Kamara shows substantial features of the claimed invention (discussed above), it fails to disclose that the shared determining whether the data should be paid for its use, when the data is supplied to a second data-processing apparatus.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Bandaru in view of Kamara, as evidenced by Neel et al.

In an analogous art, Neel et al. disclose a video service system that provides video signals for programming via satellite link or broadband transmission links further disclosing determining whether data

should be paid for its use, when the data is supplied to a second data-processing apparatus (see column 6, lines 7-25, where watching an advertisement instead of paying for the video programming is like getting a credit from the data-processing apparatus for watching the advertisement).

Given the teaching of Neel et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bandaru in view of Kamara by determining whether data should be paid for its use, such as disclosed by Neel et al., in order to give a user an alternative to paying for movies.

As per claim 11, Neel et al. further disclose the shared contents control unit further determines a fee for the data when the data is supplied to a second data-processing apparatus (see column 6, lines 7-25).

As per claim 12, Neel et al. further disclose that the fee is an amount that the data-processing apparatus needs to pay to the second data-processing apparatus when the data is supplied to the second data-processing apparatus (see column 6, lines 7-25).

Response to Arguments

4. Applicant's arguments with respect to claims 8-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. CHEA whose telephone number is (571)272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2151

Philip J Chea
Examiner
Art Unit 2153

PJC 7/23/08